

BS00186  
Serial No. 09/921,272 Examiner LY Art Unit 2686  
Response to April 26, 2005 Office Action

### **REMARKS**

In response to the Office Action dated April 26, 2005, the Assignee respectfully requests reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") states that an Information Disclosure Statement fails to comply with 37 C.F.R. § 1.98 (a) (2). Claims 1-3, 46, and 48 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,058,311 to Tsukagoshi in view of U.S. Patent 6,101,394 to Illidge. Claim 4 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 4,856,083 to Makino. Claims 5-7 under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,741,872 to Pinault. Claim 8 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,591,100 to Dent. Claims 47 and 49 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,668,055 to Marwell *et al.* The Assignee shows, however, that the amended claims are not obviated by the cited documents. The Assignee thus respectfully submits that the pending claims distinguish over the cited documents.

### **Information Disclosure Statement**

The United States Patent and Trademark Office (the "Office") refused to consider an IDS submitted April 16, 2004. Examiner Ly states that a copy of each non-U.S. Patent citation was not received. This IDS was submitted by Ms. Nora Tocups, and the transmittal indicates a copy of each document was included. Moreover, the return-receipt postcard includes the U.S.P.T.O. date stamp, and the post card also indicates copies of the cited documents were received. Nonetheless, in order to advance this application, the Assignee will separately mail a photocopy of all the submitted documents. If Examiner Ly has a question or concern, Examiner Ly is urged to contact Scott Zimmerman, at (919) 387-6907.

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**Rejection of Claims 1-3, 46, & 48 under 35 U.S.C. § 103 (a)**

Claims 1-3, 46, and 48 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,058,311 to Tsukagoshi in view of U.S. Patent 6,101,394 to Illidge. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

Claims 1-3, 46, and 48 are not obvious. Independent claims 1, 46, and 48 each recite features not taught or suggested by *Tsukagoshi* and *Illidge*. A wireless device sends a registration request, and the request comprises a hardware serial number (HSN) and multiple generic access numbers (GANs). The wireless device randomly selects a generic access number and transmits the GAN as well as the HSN to the service provider. Support for these features may be found at least at page 11, last paragraph, and at page 23, lines 3-10, of the pending application. Amended claim 1 is reproduced below.

1. (Currently Amended) A method for transmitting data to selected wireless devices in a wireless network without assignment of a unique network address, respectively, to each of the wireless devices, the method comprising:

provisioning a wireless device with at least a hardware serial number (HSN) and multiple generic access numbers (GANs);

~~registering~~ prompting the wireless device to register with a service provider by randomly selecting a GAN and transmitting the GAN as well as the HSN to the service provider;

receiving a broadcast access number (BAN) and an identification of a radio channel at the wireless device;

receiving a broadcast over the radio channel with the broadcast including data directed to the wireless device and associated with the BAN; and

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causing the wireless device to use the identification of the radio channel to monitor the radio channel and to use the BAN to access the data directed to the wireless device and associated with the BAN from the broadcast made over the radio channel.

Independent claims 46 and 48 include similar features.

The proposed combination of *Tsukagoshi* and *Illidge* fails to teach or suggest such features. First, *Tsukagoshi* and *Illidge* fail to disclose "*provisioning a wireless device with at least a hardware serial number (HSN) and multiple generic access numbers (GANs).*" Examiner Ly is correct — the patent to *Tsukagoshi* assigns a "temporary identifier" to each mobile terminal. *See, e.g.*, U.S. Patent 6,058,311 to *Tsukagoshi* (May 2, 2000) at column 1, lines 51-54; at column 1, line 67 through column 2, line 3; at column 3, lines 24-34; and at column 3, lines 41-47. Each mobile terminal, however, is only assigned a single temporary identifier, not "*multiple generic access numbers,*" as independent claims 1, 46, and 48 recite. As *Tsukagoshi* explains, when the mobile terminal requests registration, a home memory station assigns the temporary identifier, and the mobile terminal stores the temporary identifier in memory. *See id.* at column 4, lines 20-42 and, in particular, lines 28-39. Although this temporary identifier may be changed each time a predetermined condition is satisfied (*see, e.g., id.* at column 3, lines 32-34), still only one temporary identifier is assigned at any time. Because the proposed combination of *Tsukagoshi* and *Illidge* only assigns a single temporary identifier, and not "*multiple generic access numbers,*" as independent claims 1, 46, and 48 recite, the proposed combination of *Tsukagoshi* and *Illidge* cannot obviate the pending claims.

Second, *Tsukagoshi* and *Illidge* fail to teach or suggest other features. Independent claims 1, 46, and 48 recite features wherein the wireless device randomly selects one of the generic access numbers and transmits the GAN as well as the HSN to the service provider. Claim 1, for example, recites "*registering with a service provider by randomly selecting a GAN and transmitting the GAN as well as the HSN to the service provider.*" Because *Tsukagoshi* only assigns one temporary identifier at a time to the mobile terminal, *Tsukagoshi* makes no provision for randomly selecting one of the generic access numbers. The proposed combination of *Tsukagoshi* and *Illidge*, then, cannot obviate the pending claims.

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Third, *Tsukagoshi* and *Illidge* fail to teach or suggest still more features. Independent claims 1, 46, and 48 recite features wherein the wireless device registers with a service provider by transmitting the randomly-selected generic access number (GAN) and the hardware serial number (HSN). That is, when registration occurs, the wireless device transmits both the randomly-selected generic access number (GAN) and the hardware serial number (HSN). Claim 1, for example, recites "*registering with a service provider by randomly selecting a GAN and transmitting the GAN as well as the HSN to the service provider.*" The patent to *Tsukagoshi* does not register by sending both the randomly-selected generic access number (GAN) and the hardware serial number (HSN). *Tsukagoshi*, in contradistinction, only registers by sending either the unique mobile terminal number or the temporary identifier. As *Tsukagoshi* explains, when the mobile terminal initially registers, no temporary identifier has been assigned, so the mobile terminal registers using its unique subscriber identifier. See U.S. Patent 6,058,311 to *Tsukagoshi* (May 2, 2000) at column 4, lines 20-27. The home memory station then assigns the temporary identifier. See *id.* at column 4, lines 33-38. Each time the mobile terminal then registers with a new carrier, only the temporary identifier is sent — not the unique subscriber identifier. See *id.* at column 4, lines 50-55; at column 5, lines 35-38; and column 6, lines 30-34; and at column 7, lines 3-6; at column 7, lines 45-48. Numerous other places *Tsukagoshi* explains that the temporary identifier is used to identify the mobile terminal and not the unique subscriber identifier. Because the proposed combination of *Tsukagoshi* and *Illidge* fails to teach or suggest transmitting both the randomly-selected generic access number (GAN) and the hardware serial number (HSN), the proposed combination of *Tsukagoshi* and *Illidge* cannot obviate the pending claims.

Claims 1-3, 46, and 48, then, are not obvious. Independent claims 1, 46, and 48 each recite many features not taught or suggested by *Tsukagoshi* and *Illidge*. One of ordinary skill in the art, then, would not think the pending claims obvious. Because *Tsukagoshi* and *Illidge* fail to teach or suggest all the claimed features, the Examiner's *prima facie* case for obviousness must fail. Examiner Ly is respectfully requested to remove the § 103 rejection.

**Rejection of Claims 4, 5-7, and 8 under 35 U.S.C. § 103 (a)**

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Claim 4 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 4,856,083 to Makino. Claims 5-7 under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,741,872 to Pinault. Claim 8 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,591,100 to Dent.

Claims 4, 5-7, and 8, however, are not obvious. These claims depend from independent claim 1 and incorporate the same distinguishing features. As this response above explains, any proposed combination of *Tsukagoshi*, *Illidge*, *Pinault*, and *Dent* fails to teach or suggest all the claimed features of independent claim 1, so claims 4, 5-7, and 8 cannot be obvious. Examiner Ly is respectfully requested to remove the § 103 rejection.

Amended claim 8, additionally, recites features not taught or suggested by *Tsukagoshi*, *Illidge*, and *Dent*. Here the wireless device receives a registration response comprising the randomly-selected generic access number (GAN) and multiple identifications of multiple radio channels. The wireless device switches to each radio channel and measures a signal strength of each radio channel. The wireless device then sends a final request including the signal strength of each radio channel. Support for such features may be found at least at page 25, last sentence through page 26, line 10. The proposed combination of *Tsukagoshi*, *Illidge*, and *Dent* fails to teach or suggest such features, so claim 8 cannot be obvious. Examiner Ly is respectfully requested to remove the § 103 rejection.

**Rejection of Claims 47 & 49 under 35 U.S.C. § 103 (a)**

Claims 47 and 49 are not obvious. Claims 47 and 49 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Tsukagoshi* in view of *Illidge* and further in view of U.S. Patent 6,668,055 to Marwell *et al.* Claim 47, however, depends from independent claim 46, and claim 49 depends from independent claim 48. These claims thus incorporate the same distinguishing features. As this response above explains, the proposed combination of

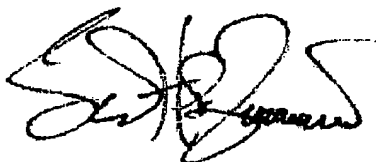
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*Tsukagoshi, Illidge, and Marwell* fails to teach or suggest all the claimed features of independent claims 46 and 48, so claims 47 and 49 cannot be obvious. Examiner Ly is respectfully requested to remove the § 103 rejection.

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If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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